ARGUMENTS

1. Rejection of Claims 29-33, 35-36 and 42 Under 35 USC §102(e)

Claims 29-33, 35-36 and 42 were rejected under 35 USC §102(e) as being anticipated by Dempski et al., U.S. Patent No. 6,727,927 (hereinafter referred to as Dempski). The Office Action asserted that Dempski discloses each and every element of the applicants' claimed invention. The applicants respectfully disagree.

In regard to Claims 29-33, 35-36, the Dempski reference does not teach that the claimed "second level comprises one or more subsets representing the search results grouped via the top level category **divided into ranges**". Rather, this reference teaches a tree based display method that categorizes search results at every level. Every single sub-category is displayed under a top-level category in the Dempski tree. The Dempski sub-categories are never grouped into subsets, and they do represent the search results of the top-level category divided into ranges, as claimed by the applicants.

Granted, the Examiner equates the display of a date associated with a particular search result (FIGS. 6, 9 and 10), or the alphabetical listing of categories (FIGS. 9 and 10) in Dempski as being the same as the claimed "subsets representing the search results grouped via the top level category **divided into ranges**". However this is not the case. The date listings in Dempski are merely dated search result items (FIG. 6), or dated category items (FIGS. 9 and 10). For example, the dated Project items at the bottom of FIG. 9 in Dempski represent single search result items that falls into the Project category. They do not represent search result divided by date. For instance if there were another search result item in the Project category associated with the same date as the CAL CENTER STATEGY item, these two items would not be listed as single sub-category having a date range that included their associated dates. Rather they would each be listed as separate sub-category items under the top-level category they are associated with (i.e., the Project category in the example). The same is true for the HARRIS BANK OPERATING MODEL listing that is associated with a period of time. If there were another search result item in the Project category associated with the same dates, these two items would not be listed together in a sub-category representing a date range. Rather, they too would each be listed as separate sub-categories. Associating a date or period of time with a particular sub-category is not the same as creating “subsets representing the search results grouped via the top level category **divided into ranges**”, as claimed by the applicants.

In the final Office action, the Examiner pointed out that the Dempski sub-categories in “Projects” category shown in Figure 9 were listed in chronological order. However, again listing every sub-category belonging to a first level category in chronological order is not creating “subsets representing the search results grouped via the top level category **divided into ranges**”, as claimed by the applicants. There simply are no ranges involved in the Dempski scheme. The word “range” in defined is the Encarta dictionary: English (North America) as “the **number and variety of different things that something includes** or can deal with”. Clearly then, a range must be capable of including more than a single sub-category. In a supposition given above it was proposed that another search result item existed in the Project category and was associated with the same date as the CAL CENTER STATEGY item. If the sub-category including the CAL CENTER STATEGY item were indeed a range, then surely the proposed new item would have been included in the range and so would be displayed along with the CAL CENTER STATEGY item as a single sub-category. However, this is not what Dempski teaches. In the Dempski scheme, the additional search result would be listed as a completely different sub-category. This is not the claimed search result presentation system.

Similarly, alphabetizing categories listed in a tree as shown in Dempski’s FIGS. 9 and 10 is not the same as creating “subsets representing the search results grouped via the top level category **divided into ranges**”, as claimed by the applicants. This is quite clear from the fact that in both Dempski’s FIGS. 9 and 10, there are several sub-categories beginning with the same letter listed separately, rather than being represented by an alphabetic range.

Granted, in the final Office action, the Examiner pointed out that the Dempski sub-categories in “Topics” category shown in Figure 9 were listed in alphabetical order. However, once again listing every sub-category belonging to a first level category in alphabetical order is not creating "subsets representing the search results grouped via the top level category **divided into ranges**", as claimed by the applicants. The Dempski scheme does not employ ranges. As shown above, a range must be capable of including more than a single sub-category. However, this is not what Dempski teaches. In the Dempski scheme, every sub-category is listed separately. This is not the claimed search result presentation system.

In regard to Claim 42, the Dempski reference does not teach the claimed "even numbers of which [tree levels] comprise one or more subsets representing the search results under consideration in the immediately preceding level **divided into ranges**". Rather, this reference teaches a tree based display method in which every sub-category is displayed under a top-level category. The Dempski sub-categories are never grouped into subsets, and they do represent the search results of the top-level category divided into ranges, as claimed by the applicants.

Granted, the Examiner equates the display of a date associated with a particular search result (FIGS. 6, 9 and 10), or the alphabetical listing of categories (FIGS. 9 and 10) in Dempski as being the same as the claimed "subsets representing the search results under consideration in the immediately preceding level **divided into ranges**". However this is not the case. The date listings in Dempski are merely dated search result items (FIG. 6), or dated category items (FIGS. 9 and 10). For example, the dated Project items at the bottom of FIG. 9 in Dempski represent single search result items that fall into the Project category. They do not represent search result divided by date. Associating a date or period of time with a particular sub-category is not the same as creating "subsets representing the search results under consideration in the immediately preceding level **divided into ranges**", as claimed by the applicants.

In the final Office action, the Examiner pointed out that the Dempski sub-categories in "Projects" category shown in Figure 9 were listed in chronological order. However, again listing every sub-category belonging to a first level category in chronological order is not creating "subsets representing the search results under consideration in the immediately preceding level **divided into ranges**", as claimed by the applicants. There simply are no ranges involved in the Dempski scheme. In the Dempski scheme, each sub-category is always listed separately and never combined into a sub-category range.

Similarly, alphabetizing categories listed in a tree as shown in Dempski's FIGS. 9 and 10 is not the same as creating "subsets representing the search results under consideration in the immediately preceding level **divided into ranges**", as claimed by the applicants. This is quite clear from the fact that in both Dempski's FIGS. 9 and 10, there are several sub-categories beginning with the same letter listed separately, rather than being represented by an alphabetic range.

Granted, in the final Office action, the Examiner pointed out that the Dempski sub-categories in "Topics" category shown in Figure 9 were listed in alphabetical order. However, once again listing every sub-category belonging to a first level category in alphabetical order is not creating "subsets representing the search results under consideration in the immediately preceding level **divided into ranges**", as claimed by the applicants. The Dempski scheme does not employ ranges. As shown above, a range must be capable of including more than a single sub-category. However, this is not what Dempski teaches. In the Dempski scheme, every sub-category is listed separately.

A prima facie case of anticipation is established only when the Examiner can show that the cited reference teaches each of the claimed elements of a rejected claim. In this case, Dempski lacks a teaching of the applicants' claimed feature whereby "subsets representing the search results grouped via the top level category [are] **divided into ranges**", as claimed in Claims 29-33, 35-36; or "subsets representing the search results under consideration in the immediately preceding level [are] **divided into ranges**", as claimed in Claim 42. Thus, the rejected claims recite a feature that is not taught in cited art, and as such a prima facie case of anticipation cannot be established. It is, therefore, respectfully requested that the rejection of remaining Claims 29-33, 35-36 and 42 be reconsidered based on the novel claim language:

> "wherein the second level comprises one or more subsets representing the search results grouped via the top level category divided into ranges" (as

exemplified in Claim 29); or

"display a multi-leveled tree in the search results window comprising alternating hierarchical levels...the even numbers of which comprise one or more subsets representing the search results under consideration in the immediately preceding level divided into ranges" (as exemplified in Claim 42).

2. Rejection of Claim 34 Under 35 USC §103(a)

Claim 34 was rejected under 35 USC §103(a) as being obvious over Dempski in view of Christal et al., U.S. Patent No. 6,751,624. It was contended in the Office Action that Dempski teaches all the elements of the rejected claims with the exception that the plurality of categories comprise a category representing the search results grouped by file size, and that the one or more subsets representing the search results grouped by file size comprises the results divided into size ranges. However, it was further contended that Christal teaches this feature. Thus, it was concluded that it would have been obvious to incorporate the teachings of Christal into Dempski to produce the applicants' claimed invention. The applicants respectfully disagree with these contentions of obviousness.

As stated previously, Dempski does not teach that the claimed "second level comprises one or more subsets representing the search results grouped via the top level category **divided into ranges**". Rather, this reference teaches a tree based display method that categorizes search results at every level. Every single sub-category is displayed under a top-level category in the Dempski tree. The Dempski sub-categories are never grouped into subsets, and they do represent the search results of the top-level category divided into ranges, as claimed by the applicants. The Christal reference also lacks a teaching of the claimed "subsets representing the search results grouped via the top level category **divided into ranges**". Thus, the cited combination lacks this teaching.

Granted, the Examiner equates the display of a date associated with a particular search result (FIGS. 6, 9 and 10), or the alphabetical listing of categories (FIGS. 9 and 10) in Dempski as being the same as the claimed "subsets representing the search results grouped via the top level category **divided into ranges**". However this is not the case. The date listings in Dempski are merely dated search result items (FIG. 6), or dated category items (FIGS. 9 and 10). Associating a date or period of time with a particular sub-category is not the same as creating "subsets representing the search results grouped via the top level category **divided into ranges**", as claimed by the applicants.

In the final Office action, the Examiner pointed out that the Dempski sub-categories in "Projects" category shown in Figure 9 were listed in chronological order. However, again listing every sub-category belonging to a first level category in chronological order is not creating "subsets representing the search results grouped via the top level category **divided into ranges**", as claimed by the applicants. There simply are no ranges involved in the Dempski scheme. A range must be capable of including more than a single sub-category. However, this is not what Dempski teaches. In the Dempski scheme, each sub-category is always listed separately and never combined into a sub-category range.

Similarly, alphabetizing categories listed in a tree as shown in Dempski's FIGS. 9 and 10 is not the same as creating "subsets representing the search results grouped via the top level category **divided into ranges**", as claimed by the applicants. This is quite clear from the fact that in both Dempski's FIGS. 9 and 10, there are several sub-categories beginning with the same letter listed separately, rather than being represented by an alphabetic range.

Granted, in the final Office action, the Examiner pointed out that the Dempski sub-categories in "Topics" category shown in Figure 9 were listed in alphabetical order. However, once again listing every sub-category belonging to a first level category in alphabetical order is not creating "subsets representing the search results grouped via the top level category **divided into ranges**", as claimed by the applicants. The Dempski scheme does not employ ranges. As shown above, a range must be capable of including more than a single sub-category. However, this is not what Dempski teaches. In the Dempski scheme, every sub-category is listed separately. This is not the claimed search result presentation system.

In order to deem the applicant's claimed invention unpatentable under 35 USC §103, a prima facie showing of obviousness must be made. To make a prima facie showing of obviousness, all of the claimed elements of an applicant's invention must be considered, especially when they are missing from the prior art. If a claimed element is not taught in the prior art and has advantages not appreciated by the prior art, then no prima facie case of obviousness exists. The Federal Circuit court has stated that it was error not to distinguish claims over a combination of prior art references where a material limitation in the claimed system and its purpose was not taught therein (*In Re Fine*, 837 F.2d 107, 5 USPQ2d 1596 (Fed. Cir. 1988)).

The cited combination lacks a teaching of the applicants' aforementioned claimed feature of creating "subsets representing the search results grouped via the top level category **divided into ranges**". The cited combination also fails to recognize the advantage of a viewer being able to readily filter the search results in the top level category, not by sub-categories, but by an appropriate range. Thus, the applicants have claimed a feature not taught in the cited combination, and which has advantages not recognized therein. Accordingly, no prima facie case of obviousness can be established in accordance with the holding of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claim is patentable under 35 USC §103(a). It is, therefore, respectfully requested that the rejection of Claim 34 be reconsidered based on the non-obvious claim language exemplified in Claim 29:

> "wherein the second level comprises one or more subsets representing the search results grouped via the top level category divided into ranges".

3. Rejection of Claims 1-12, 23-28 and 41 Under 35 USC §103(a)

Claims 1-12, 23-28 and 41 were rejected under 35 USC §103(a) as being obvious over Dempski in view of McNally, U.S. Patent No. 6,448,985. It was contended in the Office Action that Dempski teaches all the elements of the rejected claims with the exception of various claimed features that were contended to be taught in McNally. Thus, it was concluded that it would have been obvious to incorporate the teachings of McNally into Dempski to produce the applicants' claimed invention. The applicants respectfully disagree with these contentions of obviousness.

In regard to Claims 1-12 and 23-28, the Dempski reference does not teach the claimed "displaying...a second level of the tree for one or more of the top level categories, wherein the second level comprises one or more subsets representing the search results grouped via the top level category **divided into ranges**". Rather, this reference teaches a tree based display method that categorizes search results at every level. Every single sub-category is displayed under a top-level category in the Dempski tree. The Dempski sub-categories are never grouped into subsets, and they do represent the search results of the top-level category divided into ranges, as claimed by the applicants. The McNally reference also lacks a teaching of the claimed "subsets representing the search results grouped via the top level category **divided into ranges**". Thus, the cited combination lacks this teaching.

Granted, the Examiner equates the display of a date associated with a particular search result (FIGS. 6, 9 and 10), or the alphabetical listing of categories (FIGS. 9 and 10) in Dempski as being the same as the claimed "subsets representing the search results grouped via the top level category **divided into ranges**". However this is not the case. The date listings in Dempski are merely dated search result items (FIG. 6), or dated category items (FIGS. 9 and 10). For example, the dated Project items at the bottom of FIG. 9 in Dempski represent single search result items that falls into the Project category. They do not represent search result divided by date. For instance, if there were another search result item in the Project category associated with the same date as the CAL CENTER STATEGY item, these two items would not be listed as single sub-category having a date range that included their associated dates. Rather they would each be listed as separate sub-category items under the top-level category they are associated with (i.e., the Project category in the example). The same is true for the HARRIS BANK OPERATING MODEL listing that is associated with a period of time. If there were another search result item in the Project category associated with the same dates, these two items would not be listed together in a sub-category representing a date range. Rather, they too would each be listed as separate sub-categories. Associating a date or period of time with a particular sub-category is not the same as creating “subsets representing the search results grouped via the top level category **divided into ranges**”, as claimed by the applicants.

In the final Office action, the Examiner pointed out that the Dempski sub-categories in “Projects” category shown in Figure 9 were listed in chronological order. However, again listing every sub-category belonging to a first level category in chronological order is not creating “subsets representing the search results grouped via the top level category **divided into ranges**”, as claimed by the applicants. There simply are no ranges involved in the Dempski scheme. As started previously, the word “range” is defined in the Encarta dictionary: English (North America) as “the **number and variety of different things that something includes** or can deal with”. Clearly then, a range must be capable of including more than a single sub-category. In the supposition given above it was proposed that another search result item existed in the Project category and was associated with the same date as the CAL CENTER STATEGY item. If the sub-category including the CAL CENTER STATEGY item were indeed a range, then surely the proposed new item would have been included in the range and so would be displayed along with the CAL CENTER STATEGY item as a single sub-category. However, this is not what Dempski teaches. In the Dempski scheme, the additional search result would be listed as a completely different sub-category. This is not the claimed process for graphically displaying the results of an electronic search to a user.

Similarly, alphabetizing categories listed in a tree as shown in Dempski’s FIGS. 9 and 10 is not the same as creating “subsets representing the search results grouped via the top level category **divided into ranges**”, as claimed by the applicants. This is quite clear from the fact that in both Dempski’s FIGS. 9 and 10, there are several sub-categories beginning with the same letter listed separately, rather than being represented by an alphabetic range.

Granted, in the final Office action, the Examiner pointed out that the Dempski sub-categories in “Topics” category shown in Figure 9 were listed in alphabetical order. However, once again listing every sub-category belonging to a first level category in alphabetical order is not creating “subsets representing the search results grouped via the top level category **divided into ranges”**, as claimed by the applicants. The Dempski scheme does not employ ranges. As shown above, a range must be capable of including more than a single sub-category. However, this is not what Dempski teaches. In the Dempski scheme, every sub-category is listed separately.

In regard to Claim 41, the Dempski reference does not teach that the claimed “second level comprises one or more subsets representing the search results grouped via the top level category **divided into ranges**”. Rather, this reference teaches a tree based display method that categorizes search results at every level. Every single sub-category is displayed under a top-level category in the Dempski tree. The Dempski sub-categories are never grouped into subsets, and they do represent the search results of the top-level category divided into ranges, as claimed by the applicants. The McNally reference also lacks a teaching of the claimed “subsets representing the search results grouped via the top level category **divided into ranges**”. Thus, the cited combination lacks this teaching.

Granted, the Examiner equates the display of a date associated with a particular search result (FIGS. 6, 9 and 10), or the alphabetical listing of categories (FIGS. 9 and 10) in Dempski as being the same as the claimed “subsets representing the search results grouped via the top level category **divided into ranges**”. However this is not the case. The date listings in Dempski are merely dated search result items (FIG. 6), or dated category items (FIGS. 9 and 10). For example, the dated Project items at the bottom of FIG. 9 in Dempski represent single search result items that falls into the Project category. They do not represent search result divided by date. Associating a date or period of time with a particular sub-category is not the same as creating “subsets representing the search results grouped via the top level category **divided into ranges**”, as claimed by the applicants.

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Similarly, alphabetizing categories listed in a tree as shown in Dempski's FIGS. 9 and 10 is not the same as creating "subsets representing the search results grouped via the top level category **divided into ranges**", as claimed by the applicants. This is quite clear from the fact that in both Dempski's FIGS. 9 and 10, there are several sub-categories beginning with the same letter listed separately, rather than being represented by an alphabetic range.

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In view of the foregoing, the cited combinations lack a teaching of the applicants' aforementioned claimed feature whereby "subsets representing the search results grouped via the top level category [are] **divided into ranges**". The cited combinations also fail to recognize the advantage of a viewer being able to readily filter the search results in the top level category, not by sub-categories, but by an appropriate range. Thus, the applicants have claimed a feature not taught in the cited combinations, and which has advantages not recognized therein. Accordingly, no prima facie case of obviousness can be established in accordance with the holding of *In Re Fine*. This lack of a prima facie showing of obviousness means that the rejected claims are patentable under 35 USC §103(a). It is, therefore, respectfully requested that the rejection of Claims 1-12, 23-28 and 41 be reconsidered based on the non-obvious claim language:

> "displaying, in response to a user command to do so, a second level of the tree for one or more of the top level categories, wherein the second level comprises one or more subsets representing the search results grouped via the top level category divided into ranges" (as exemplified in Claim 1); or
>
> "a second level of one or more of the top level categories, wherein the second level comprises one or more subsets representing the search results grouped via the top level category divided into ranges" (as exemplified in Claim 29).

4. Summary

In summary, for the reasons set forth above, the applicants believe that rejected Claims 1-12, 23-36 and 41-42 of the subject application are in condition for allowance. Reconsideration of the rejection of these claims is respectfully requested and allowance thereof at an early date is courteously solicited.

Respectfully submitted,

Richard T. Lyon
Reg. No. 37,385
Attorney for applicant

LYON & HARR, LLP
300 Esplanade Drive, Suite 800
Oxnard, CA 93036
(805) 278-8855